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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,935	01/11/2002	Petri Nykanen	NOKM.018PA	9367

7590 11/17/2006

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EXAMINER	
WILLETT, STEPHAN F	

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/043,935	NYKANEN ET AL.	
	Examiner	Art Unit	
	Stephan F. Willett	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *14 August 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-9,11-20,24-26 and 29-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-9,11-20,24-26 and 29-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *8/14/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim(s) 19-20, 24-26 is/are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

3. Claims that may depend on the use of a signal or carrier wave as described in applicant's specification at page 27, line 15 to achieve their functionality are deemed to be non-statutory subject matter.

Claim Rejections - 35 USC 103

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□ and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 19, 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. with Patent Number 6,591,103 in view of Nykanen with Patent Publication Number US 2002/0174117.

5. Regarding claim(s) 1, 19, 24, Dunn teaches network services component selection. Dunn teaches a plurality of interface modules[application programs], col. 5, line 39 capable of establishing communications with network services, col. 5, lines 4-7; col. 6, lines 31-34. Dunn teaches providing a logical access point[CSA], col. 5, lines 28-29 for the interface modules to facilitate a service request from an user application as "user device" 22, col. 6, lines 47-49, and a service request lookup type module including service related parameters as "requirements", col. 8, lines 22-29 that are in a date type file as "user profiles stored in a database", col. 8, lines 28-29. Dunn teaches dynamic selection of service components, col. 8, lines 24-30 based on said parameters. Dunn teaches comparing service related parameters to service related parameters of the networks as "based on the database information", col. 6, lines 31-34, automatically selecting the service with the greatest compatibility as "the users application) can then either continue the call or terminate based on the above information and suitability of the next network", col. 5, lines 64-67 and "the device ... selects the appropriate network", col. 6, lines 31-33 and connects. Dunn teaches the invention in the above claim(s) except for explicitly teaching Web services. In that Dunn operates to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Nykanen, a related network services

system teaches a "session type is selected by the user", para. 45, lines 15-16 in order to provide requested data services. Nykanen specifically teaches "the Mobile Web services menu", para. 45, lines 16-17. Further, Nykanen suggests "business service data", par. 49 resulting from choosing a particular service. The motivation to incorporate Web services insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate Web services as taught in Nykanen into the network services system described in the Dunn patent because Dunn operates with service modules and Nykanen suggests that interface modules can be implemented with Web services.

Claim Rejections - 35 USC 103

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□ and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-4, 6-7, 8-9, 11-18, 20, 25, 30-32, 33-42, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. with Patent Number 6,591,103 in view of Dowling et al. with Patent Publication Number US 2005/0157677 and Nykanen with Patent Publication Number US 2002/0174117.

7. Regarding claim(s) 2, 12-15, 18, 20, 30, 33-35, 39-42, 46, Dunn teaches network services component selection. Dunn teaches a plurality of interface modules[application programs], col. 5, line 39 capable of establishing communications with network services, col. 5, lines 4-7; col. 6, lines 31-34. Dunn teaches providing a logical access point[CSA], col. 5, lines 28-29 for the interface modules to facilitate a service request from an user application as "user device" 22, col. 6, lines 47-49, and a service request lookup type module including service related parameters as "requirements", col. 8, lines 22-29 that are in a date type file as "user profiles stored in a database", col. 8, lines 28-29. Dunn teaches dynamic selection of service components, col. 8, lines 24-30 based on said parameters. Dunn teaches comparing service related parameters to service related parameters of the networks as "based on the database information", col. 6, lines 31-34, automatically selecting the service with the greatest compatibility as "the users application) can then either continue the call or terminate based on the above information and suitability of the next network", col. 5, lines 64-67 and "the device ... selects the appropriate network", col. 6, lines 31-33 and connects.

8. Dunn teaches the invention in the above claim(s) except for explicitly teaching Web services. In that Dunn operates to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Nykanen, a related network services system teaches a "session type is selected by the user", para. 45, lines 15-16 in

order to provide requested data services. Nykanen specifically teaches "the Mobile Web services menu", para. 45, lines 16-17. Further, Nykanen suggests "business service data", par. 49 resulting from choosing a particular service. The motivation to incorporate Web services insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate Web services as taught in Nykanen into the network services system described in the Dunn patent because Dunn operates with service modules and Nykanen suggests that interface modules can be implemented with Web services.

9. Dunn and Nykanen teaches the invention in the above claim(s) except for explicitly teaching interface modules as accessible software object code or a business agreement portion. In that Dunn and Nykanen operates to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Dowling, a related network services system teaches "a communication server may also be coupled to the packet transport interface to manage connections", para. 0028, lines 1-3 in order to provide requested data services. Dowling specifically teaches "the software module is an object", para. 0042, line 6 and "this quality feedback can also be used to provide real-time feedback to be used in the associate selection process", para. 70, lines 14-40. Thus, each of the modules performs functions that obviously can be written in various different types of programming code and Dowling suggests that each of the functions can be written in object code. Also, the associate selection process and maintaining certain quality standards that may be based on costs indicates a business agreement between the parties involving certain parameters Further, Dowling suggests "to ensure a level of quality control", par. 0074 7, lines 4-5 resulting from choosing a particular service. The motivation to incorporate objects or business agreements insures a robust, diverse

and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate objects and business agreements as taught in Dowling into the network services system described in the Dunn and Nykanen patents because Dunn and Nykanen operate with service modules and Dowling suggests that interface modules can be implemented with objects and via business agreements.

10. Regarding claims 3, Dunn teaches receiving service parameters via said access point, col. 8, lines 24-27.

1. Regarding claims 4, Dunn teaches receiving parameters via an external connection a "command channel", col. 8, lines 24-27.

2. Regarding claims 6, 11, 24, 30-32, 36, Dowling teaches initiating business agreements or quality of service, and "costs", para. 0070, lines 35; para. 0073, lines 1-3 and Dunn at col. 8, lines 47-50 including price, line 43.

3. Regarding claims 37-38, Dunn teaches the service parameters include an application or service provider identification to facilitate selection of the service component whose service level is commensurate with the application identification or service provider identification, col. 5, lines 5-6 and Fig. 2.

Claim Rejections - 35 USC 103

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103□ and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 7-9, 16-17, 25-26, 29, 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn et al. with Patent Number 6,591,103 in view of Dowling et al. with Patent Publication Number US 2005/0157677 and Nykanen with Patent Publication Number US 2002/0174117 and Wang with Patent Publication Number US 2003/0035409.

12. Regarding claim(s) 18, 26, 43- 45 Dunn teaches network services component selection. Dunn teaches a plurality of interface modules[application programs], col. 5, line 39 capable of establishing communications with network services, col. 5, lines 4-7; col. 6, lines 31-34. Dunn teaches providing a logical access point[CSA], col. 5, lines 28-29 for the interface modules to facilitate a service request from an user application as "user device" 22, col. 6, lines 47-49, and a service request lookup type module including service related parameters as "requirements", col. 8, lines 22-29 that are in a date type file as "user profiles stored in a database", col. 8, lines 28-29. Dunn teaches dynamic selection of service components, col. 8, lines 24-30 based on said parameters. Dunn teaches comparing service related parameters to service related parameters of the networks as "based on the database information", col. 6, lines 31-34, automatically selecting

the service with the greatest compatibility as "the users application) can then either continue the call or terminate based on the above information and suitability of the next network", col. 5, lines 64-67 and "the device ... selects the appropriate network", col. 6, lines 31-33 and connects.

13. Dunn teaches the invention in the above claim(s) except for explicitly teaching Web services. In that Dunn operates to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Nykanen, a related network services system teaches a "session type is selected by the user", para. 45, lines 15-16 in order to provide requested data services. Nykanen specifically teaches "the Mobile Web services menu", para. 45, lines 16-17. Further, Nykanen suggests "business service data", par. 49 resulting from choosing a particular service. The motivation to incorporate Web services insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate Web services as taught in Nykanen into the network services system described in the Dunn patent because Dunn operates with service modules and Nykanen suggests that interface modules can be implemented with Web services.

4. Dunn and Nykanen teaches the invention in the above claim(s) except for explicitly teaching interface modules as accessible software object code or a business agreement portion. In that Dunn and Nykanen operate to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Dowling, a related network services system teaches "a communication server may also be coupled to the packet transport interface to manage connections", para. 0028, lines 1-3 in order to provide requested data services. Dowling specifically teaches "the software module is an object", para. 0042, line 6 and "this quality feedback can also be used to provide real-time feedback to be used

in the associate selection process", para. 70, lines 14-40. Thus, each of the modules performs functions that obviously can be written in various different types of programming code and Dowling suggests that each of the functions can be written in object code. Also, the associate selection process and maintaining certain quality standards that may be based on costs indicates a business agreement between the parties involving certain parameters Further, Dowling suggests "to ensure a level of quality control", par. 0074 7, lines 4-5 resulting from choosing a particular service. The motivation to incorporate objects or business agreements insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate objects and business agreements as taught in Dowling into the network services system described in the Dunn and Nykanen patents because Dunn and Nykanen operate with service modules and Dowling suggests that interface modules can be implemented with objects and via business agreements.

5. Dunn, Nykanen and Dowling teaches the invention in the above claim(s) except for explicitly address translation proxies accessible via an access point. In that Dunn, Nykanen and Dowling operate to locate services, the artisan would have looked to the network services arts for details of implementing service matching. In that art, Wang, a related network services system teaches "router-provisioning capability"", para. 0098, line 4 in order to provide requested data services. Wang specifically teaches "NAT", para. 0098, line 6. Further, Wang suggests "setting parameters", par. 0098 7, line 5 resulting from choosing a particular service. The motivation to incorporate address translation insures a robust, diverse and distributed system. Thus, it would have been obvious to one of ordinary skill in the art to incorporate address translation as taught in Wang into the network services system described in the Dunn, Nykanen and Dowling patents

because Dunn, Nykanen and Dowling operate with service modules and Wang suggests that interface modules can be implemented with address translation.

14. Regarding claims 8, 26, Dunn teaches receiving service parameters via said access point, col. 8, lines 24-27.

6. Regarding claims 9, Dunn teaches receiving parameters via an external connection a "command channel", col. 8, lines 24-27.

7. Regarding claims 17, 29, Dowling teaches initiating business agreements or quality of service, and "costs", para. 0070, lines 35; "enrolled" para. 0073, lines 1-3 and Dunn at col. 8, lines 47-50 including price, line 43.

Response to Amendment

1. Based on the new grounds for rejection, most of the applicants arguments are moot. The broad claim language used is interpreted on its face and based on this interpretation the claims have been rejected.

2. Applicant suggests "there is no reference to signals or carrier waves in the claims", Paper Filed 7/10/06, Page 10, line 16. However, applicant's specification at page 27, line 15 relies of "waves", thus the claims read in view of the specification may use a wave to implement the claims Thus, Applicant's arguments can not be held as persuasive regarding patentability.

3. Applicant suggests "nowhere in the Office Action was it alleged the", Paper Filed 7/10/06, Page 13, lines 1-7 teaching of business agreement. However, Dowling teaches "costs", para. 0070, lines 35 when "switching" based on an "enrolled" para. 0073, lines 1-3 associate which teaches a business agreement with initiation and matchmaking based on a desired quality

of service. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

4. Applicant suggests "Bos", Paper Filed 7/10/06, Page 14, line 4. However, Bos was not relied, thus these argument were ignored. Thus, Applicant's arguments can not be held as persuasive regarding patentability.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

8. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

Patent Examiner

EW CALDWELL
RY PATENT EXAMINER